

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, AUGUST 26, 2005
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:12a.m. The following were in attendance:

MEMBERS

Mr. Peter Young
Mr. Ted Yamamura
Ms. Taryn Schuman

Mr. Tim Johns
Mr. Ron Agor

STAFF

Mr. Russell Tsuji, Land
Mr. Sam Lemmo, OCCL
Mr. Eric Hirano, Engineering
Mr. Mike Shinozuka, DOT

Mr. Dan Quinn, Parks
Mr. Paul Conry, DOFAW
Ms. Charlene Unoki, Land

OTHERS

Ms. Julie China, Deputy Attorney General
Mr. Tony Lydgate, D-2
Mr. Sterling Robbins, D-6
Mr. Ardalan Nikoa, K-1
Mr. Chuck Burrows, E-1

Ms. Linnel Nishioka, D-1
Mr. John Replogle, D-6
Ms. Grace Kido, D-4
Ms. Marvelle Laughlin, E-1

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1: Minutes of August 12, 2005

Unanimously approved as submitted (Johns/Yamamura).

Item D-2: Rescind Prior Board Action of July 30, 2004 (Item D-8), Issuance of Term, Non-Exclusive Easement to William A. Lydgate for Access and Utility Purposes; Waipouli, Kawaihau, Kauai, TMK: (4) 4-4-04: por.03.

Russell Tsuji, Administrator of the Land Division made the Board aware of the fact that the subject abandoned railroad right-of-way that was the subject of a sale was not owned by the State as it was previously conveyed to the County of Kauai. Therefore Mr. Tsuji is recommending the Board rescind the prior Board action of July 30, 2004 under agenda item D-8 and authorize staff to refund Mr. William A. Lydgate monies for the term easement.

Tony Lydgate was present.

Unanimously approved as submitted (Agor/Johns).

Item D-1: Request Authorization to Process all Board Approved Dispositions for Verizon Hawaii Inc., Pending the Preparation and Issuance of the Documents, under the Name of Hawaiian Telcom, Inc., as the Lessee, Grantee, Licensee or Permittee.

Mr. Tsuji let it be known this request before the Board is simple a name change from Verizon Hawaii Inc. to Hawaiian Telcom Inc. Mr. Tsuji recommended the Board authorize all previously approved dispositions to Verizon Hawaii Inc., that are pending the issuance of documents, to be processed under the name of Hawaiian Telcom, Inc., subject to the terms and conditions of their respective approvals.

Linnel Nishioka, attorney representing Hawaiian Telcom was present to answer any questions.

Unanimously approved as submitted (Johns/Agor).

Item D-6: Set Aside to Department of Land and Natural Resources, Division of Forestry and Wildlife for inclusion to the Kau Forest Reserve; Issuance of Management Right-of-Entry at Waiohinu, Kau, Hawaii, TMK: (3) 9-5-06:01.

Mr. Tsuji communicated the subject parcel is currently encumbered by two revocable permits and a drainage easement. The terms of the Executive Order it will be subject to the terms of the revocable permit. Mr. Tsuji recommended the Board approve of and recommended to the Governor the issuance of an executive order setting aside the subject lands to the Division of Forestry and Wildlife subject to the terms and conditions listed in staff's submittal.

John Replogle, an employee of the Nature Conservancy testified in support of staff's recommendation. He let it be known the community uses the area for fishing and other recreational purposes. He also spoke of the biological richness of Waiohinu.

Dr. Sterling Robbins, a retired anthropologist spoke in support of staff's recommendation. He communicated this is one of the last places where native Hawaiian landscaping exists. Mr.

Robbins spoke of the importance in the management of the area from invasive species and the protection of areas for nesting.

Bill Gilmartin of the Hawaii Wildlife Fund testified in support of staff's recommendation. Mr. Gilmartin conveyed that his organization has commitment of funding to help with the survey work for the subdivision.

Leimana Demate, a resident of Kau testified in support of staff's recommendation. Ms. Demate spoke of the use of the subject area by her family. She indicated local people practice the concept of ahupuaa there and do not over fish in the area. This submittal before the Board is the best way to protect the area.

Suzanne Marinelli spoke in support of staff's recommendation. She thanked the Department for the 4-wheel drive road, which makes it much easier to traverse the area. Ms. Marinelli indicated that this is the chance for the Department to protect an area rich in resources at no cost to the State.

Paul Conry, Administrator of the Division of Forestry and Wildlife let it be known they are very enthusiastic about what is happening to the subject land and are excited to take control of this parcel.

Written testimony was received from Patrick Conant, The Nature Conservancy, the Sierra Club, Mary Ikagawa, the Association of Hawaiian Civic Clubs, Bob Jacobson, Ron Terry, Rob Culbertson, Michael Kliks, Kathy Frost, John Culliney, Peter Van Dyke, Guy Enriques, Earth Trust, Mary Ann Ciuffini, Jean Campbell, Frederick Warshauer, Jocelyn Garovoy, Malama O Puna, Casey Jarman, John Hoover, Sharon While, Mike Sherwood, Samuel M. Ohukanihia Gon III, Hawaii Invasive Species Management and Education Corporation, Mashuri White, Suzanne Marinelli, Stephanie K. Grout, Cynthia BA King, Jeff Muir, Conservation Council for Hawaii, Cedric Yoshimoto, Hawaii's Thousand Friends, Ahahui Malama I Ka Lokahi and Cheryl King.

Unanimously approved as submitted (Johns/Schuman).

Item K-1: Conservation District Use Application (CDUA) OA-3228 for Rockfall Mitigation, TMK: (1) 1-8-026:006.

Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands (OCCL) indicated the subject area is at the former Puunui Quarry site located in Nuuanu. According to staff from the Engineering Division, based on a field investigation the mountain slope at the former quarry is considered a Class A hazard which is a high hazard rating. To reduce potential rock fall, the engineering division is proposing to install a protection fence parallel to the upslope of the rock fall. In addition, rock overhangs and cropping will be demolished or stabilized. Mr. Lemmo recommended the Board approve this application for Rockfall Mitigation located at the former Puunui Quarry.

Ardalani Nikoa was present.

Unanimously approved as submitted (Johns/Yamamura).

Item D-4: Consent to Sublease of General Lease S-5475, Florida RSA #8 LLC, Sublessor, Voicestream PSC II Corporation, Sublessee, and Assignment of General Lease Nos. S-5475 and S-5511, Florida RSA #8 LLC, Assignor, to New Cingular Wireless PSC, LLC, Assignee, Puuanahulu, North Kona and Humuula, North Hilo, Hawaii, TMK: (3) 7-1-03:por. 01 and (3) 3-9-02:por. 07, Respectively.

Mr. Tsuji briefed the Board and recommended the Board consent to the sublease under General Lease No. S-5475 and consent to the assignment of General Lease Nos. S-5475 and S-5511.

Grace Kido of Cades and Schutte representing US Cellular was present.

Unanimously approved as submitted (Johns/Yamamura).

Item E-1: Establishment of Curatorship Agreement for Na Pahaku O Hauwahine, Kauai Nui State Park Reserve, Kailua, Oahu.

Dan Quinn, Administrator of State Parks pointed out the subject area is located on the mauka side of Kawai Nui Marsh. This curator agreement involves the restoration of the native ecosystems within the Marsh. Ahahui Malama I Ka Lokahi, a non-profit organization has requested the responsibility to care for this area. The curatorship agreement will be for a 5-year period. Mr. Quinn recommended the Board approve Ahahui Malama I Ka Lokahi as the curators for Na Pohaku O Hauwahine within Kauai Nui State Park Reserve for a 5-year term.

Charles Burrows, President of Ahahui Malama I Ka Lokahi testified in support of staff's recommendation. Mr. Burrows pointed out they are a non-profit organization whose mission is to develop, promote and practice a native Hawaiian conservation ethic relevant to our times that is responsible to both Hawaiian culture and science. Mr. Burrows believes progress can now proceed to designate Kawai Nui Marsh as a State Wildlife Refuge with the hope that it can become a National Wildlife Refuge in order to secure more funding for its restoration and resource management. He confirmed Ahahui Malama I Ka Lokahi stands ready and eager to assume the responsibility of curatorship for Na Pohaku o Hauwahine within the Kawai Nui Marsh.

Ron Walker, a retired wildlife biologist and vice president of Ahahui Malama I Ka Lokahi spoke in support of staff's recommendation. Mr. Walker spoke of the various restoration efforts he's taken part in. He also noted that he has lead school groups on excursions of the area.

Sharon Riley spoke in support of staff's recommendation. She spoke of the commitment of Ahahui Malama I Ka Lokai to take care of the area and of their ability to raise funding. Ms. Riley encouraged the Department to look at other area and develop more curatorship agreements.

Marvelle Laughlin, President of Kailua Hawaiian Civic Club noted their support of staff's recommendation. She told of the wonderful work Ahahui Malama I Ka Lokahi has done over the past seven years at the marsh as well as their educational efforts for residents as well as schools.

Marie Terri, Executive Director of Save Our Heiau a non-profit organization whose goal is the preservation of Hawaii's important cultural sites testified. She informed the Board that her organization has been impressed with the work done by Ahahui Malama I Ka Lokahi.

Written testimony was received from Herb Lee Jr. , David R. Curry, George N. West, Faith Caplan, Hawaii's Thousand Friends and Gordon L. Magill.

Unanimously approved as submitted (Johns/Yamamura).

Item E-2: Approval to enter a Grant-in-Aid Agreement with various non-profit organizations.

Unanimously approved as submitted (Johns/Schuman).

Item D-14: Request to Amend Standard Terms and Conditions on the Right-of-Entry Form for Right-of-Entries issued to the Federal Government.

The Board added the following Recommendation

"2. Subject to review and approval by the Department of the Attorney General."

Unanimously approved as amended (Johns/Yamamura).

Item D-16: Grant of Perpetual, Non-Exclusive Easement to United States of America, for Road Right-of Way Purposes, Pupukea-Paumalu, Koolauloa, Oahu, TMK: (1) 5-9-06:26.

Mr. Tsuji let it be known the Army currently has a lease to use the subject area for training purposes and they also utilize the road there under this lease. The United States of America is requesting an easement as it is planning to repair and upgrade portions of the road. Mr. Tsuji recommended the Board authorize the issuance of a perpetual non-exclusive easement to the United States of America covering the subject area for road right of way purposes.

Unanimously approved as submitted (Johns/Schuman).

Item C-1: Request for Approval to Enter into A Contract with Maui Master Builders, Inc. to Install Ungulate-proof Perimeter Fencing in Kanaio Natural Area Reserve, Maui.

Unanimously approved as submitted (Yamamura/Agor).

Item M-1: Issuance of a Lease and Amendments to Six (6) State Leases U.S. Federal Aviation Administration (FAA) Honolulu International Airport.

Item M-2: Assignment of Lease No. DOT-A-80-0006 from Century Aviation, Inc. to Bradley Pacific Aviation, Inc. through Bankruptcy, South Ramp Area, Honolulu International Airport.

Unanimously approved as submitted (Yamamura/Agor).

Item L-1: Appointment of Kau Soil and Water Conservation District Directors.

Item L-2: Appointment of Puna Soil and Water Conservation District Director.

Item L-3: Approval for Award of Construction Contract – Job No. H10C616A, Sand Island State Recreation Area, Improvements to Comfort Stations 2 & 3 Honolulu, Oahu, Hawaii.

Unanimously approved as submitted (Yamamura/Schuman).

Item D-3: Consent to Assign General Lease No. S-4312, Richard M. Hirae and Corliss T. Hirae, Assignor, to Gary J. Rubio and Karen L. Rubio, Assignee; Consent to Mortgage and Extension of Lease Term; and Consent to Various Subleases, Waiakea, South Hilo, Hawaii, TMK: (3) 2-2-58:26.

Item D-5: Acceptance of Federal Excess Land same being the Keahole Lighthouse Site, Withdraw same from Governor's Proclamation 17, Dated December 14, 1910 and Add same to the Operation of General Lease No. S-5619, Keahole Point, Kalaoa 1st - 4th, North Kona, Hawaii, TMK: (3) 7-3-43:05.

Item D-7: After-the-Fact Approval to Submit a Grant Application Requesting Conservation and Estuarine Land Conservation Program Funds Administered by National Oceanic & Atmospheric Administration; and Approval in Principle to Acquire Private Lands for Set Aside to County of Hawaii for Coastal and Estuarine Land Conservation, Kau, Island of Hawaii, TMK: (3) 9-5-14: 02-07, 27 & 52-59.

Item D-8: Re-Submittal Rescind Prior Board Action of August 13, 2004 (Item D-9), Issuance of Revocable Permit to Paulette Tau-a, Puolua-Hanehoi, Hamakualoa, Makawao, Maui, TMK: (2) 2-9-06:06 and 2-9-08: 13, 17, 24.

Item D-9: Amend Prior Board Action of February 23, 1990 (Item F-7), Public Auction Sale of Water Tank Site Lease and Direct Sale of Non-Exclusive and Perpetual Water Transmission Pipeline Easement at Kahakuloa, Maui, TMK: (2) 3-1-01: pors. 1, 29 and 3-1-06:por. 01.

Item D-10: Grant of Term, Non-Exclusive Easement to Douglas R. Fitch Revocable Trust for Seawall and Filled Land Purposes, Kihei, Wailuku, Maui, TMK: (2) 3-9-12:05 seaward.

- Item D-11:** Mutual Termination of General Lease No. S-5681, Harry & Jeanette Weinberg Foundation Incorporated, Lessee, Honolulu, Oahu, TMK: (1) 1-5-42:02.
- Item D-12:** Amend Prior Board Action of March 12, 2004 (Agenda Item D-4), Issuance of a General Lease for Private, Noncommercial Pier to Jeremiah Augustus Henderson and the Issuance of a Term Easement to Jeremiah Augustus Henderson for the concrete steps and seawall, situate Niu, Oahu, TMK: (1) 3-7-02:50 seaward.
- Item D-13:** Sale of Remnant to G & I Watumull Limited Partnership, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-09:274.
- Item D-15:** Sale of Reclaimed (Filled) Land to Peter Dowrick, and Rescind Prior Board Action of January 24, 2003, Agenda Item No. D-3 for Grant of a Term Non-Exclusive Easement at Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-5-01:25 seaward.

Unanimously approved as submitted (Yamamura/Agor).

There being no further business, Chairperson Young adjourned the meeting at 9:50 a.m. Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

Terry Crowell

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources